

EXHIBIT 1

Ognjen Milanovic

March 15, 2023

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA</p> <p>RANDY LUNDY,)) Plaintiff,) vs.) NO. CIV-22-699-F) HL MOTOR GROUP, INC.,) HIGHLIGHT MOTOR FREIGHT USA,) INC., OLD REPUBLIC INSURANCE) COMPANY, AND) OGNJEN MILANOVIC,)) Defendants.)</p> <p>_____)) FARMERS MUTUAL FIRE) INSURANCE COMPANY OF OKARCHE,)) Plaintiff,)) vs.) NO. CIV-22-752-F) HL MOTOR GROUP, INC., AND) OGNJEN MILANOVIC,)) Defendants.) _____)</p> <p>VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF OGNJEN MILANOVIC LOCATED IN BELGRADE, SERBIA TAKEN ON BEHALF OF THE PLAINTIFFS ON MARCH 15, 2023 REPORTED BY: JANA C. HAZELBAKER, CSR</p>	<p>1 CONTENTS</p> <p>2 Page</p> <p>3 Index of Exhibits 4</p> <p>4 Stipulations 5</p> <p>5 Direct Examination by Mr. Pignato 6</p> <p>6 Direct Examination by Mr. Stewart 75</p> <p>7 Reporter's Certificate 127</p> <p>8</p> <p>9 * * * * *</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES</p> <p>2 (All parties are appearing via videoconference.)</p> <p>3</p> <p>4 For the Plaintiff, Gerard F. Pignato</p> <p>5 Farmers Mutual Fire Ryan Whaley</p> <p>6 Insurance Company 400 North Walnut</p> <p>7 of Okarche: Oklahoma City, OK 73104</p> <p>8 (405)239-6040</p> <p>9 jerry@ryanwhaley.com</p> <p>10</p> <p>11 For the Defendants, Michael T. Franz</p> <p>12 HL Motor Group, Lewis Brisbois</p> <p>13 Ognjen Milanovic, Bisgaard & Smith</p> <p>14 and Old Republic 550 West Adams Street</p> <p>15 Insurance Company: Suite 300</p> <p>16 Chicago, IL 60661</p> <p>17 (312)463-3329</p> <p>18 michael.franz@</p> <p>19 lewisbrisbois.com</p> <p>20</p> <p>21 For the Plaintiff, Rodney Stewart</p> <p>22 Randy Lundy: Stewart Law Firm</p> <p>23 801 N.W. 63rd Street</p> <p>24 Suite 100</p> <p>25 Oklahoma City, OK 73116</p> <p>(405)601-6060</p> <p>rstewart@rstewartlaw.com</p> <p>Videographer: Bruce Rodgers</p> <p>Also Present: Joanne Butterworth</p> <p>Legal assistant</p> <p>Gerald Knecht</p>	<p>1 INDEX OF EXHIBITS</p> <p>2 Page</p> <p>3 Exhibit Number 1 (Driver logs) 38</p> <p>4 Exhibit Number 2 (Photo, Farmers Mutual 0377) 56</p> <p>5 Exhibit Number 3 (Photo, Farmers Mutual 0374) 57</p> <p>6 Exhibit Number 4 (Photo, Farmers Mutual 0378) 58</p> <p>7 Exhibit Number 5 (Photo, Farmers Mutual 0375) 58</p> <p>8 Exhibit Number 6 (Photo, Farmers Mutual 0376) 59</p> <p>9 Exhibit Number 7 (Photo, Farmers Mutual 0379) 59</p> <p>10 Exhibit Number 8 (Photo, Farmers Mutual 0380) 60</p> <p>11 Exhibit Number 9 (Photo, Farmers Mutual 0382) 60</p> <p>12 Exhibit Number 10 (Photo, Farmers Mutual 0383) 61</p> <p>13 Exhibit Number 11 (Photo, Farmers Mutual 0384) 61</p> <p>14 Exhibit Number 12 (Photo, Farmers Mutual 0385) 61</p> <p>15 Exhibit Number 13 (Google Maps aerial photo) 62</p> <p>16 Exhibit Number 14 (Accident Report, Farmers</p> <p>Mutual 0333 through 0339) 64</p> <p>17</p> <p>18 * * * * *</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 65</p> <p>1 three lines from the bottom in the far right where it 2 says "Unit 1." Let me know when you're -- I can't 3 see because his face is -- 4 A I'm there. 5 Q You're there. You see where it says 6 "Unit 1 driver states." Do you see that? 7 "Unit driver states that he did not recall 8 events prior to the collision and that he has no 9 medical condition that should have caused 10 unconsciousness." 11 Did I -- did I read that correctly? 12 A Sorry, a few -- a few places here. 13 Q Take your time. 14 A Yeah. 15 Q So here -- here's my question, then. 16 A Go ahead. 17 Q You just didn't recall any of the events 18 prior to the collision? 19 A No. 20 Q Do you know why you left the roadway? 21 A No. 22 Q Did you fall asleep? 23 A I -- no, I don't think so, as it was still 24 day. So what they told me is that I had lost 25 consciousness.</p>	<p style="text-align: right;">Page 67</p> <p>1 answer after you've just told him how to answer? 2 MR. FRANZ: I have not told him how to 3 answer. Counsel, just proceed with your deposition. 4 MR. PIGNATO: You're running a tab, 5 Counsel. 6 Q (By Mr. Pignato) Mr. Milanovic -- 7 A Yes. 8 Q -- is it possible you fell asleep? 9 A I do not think so as there's strips that if 10 you fall asleep they -- they wake you. 11 In my opinion, no, I do not think so. 12 Q If you fall asleep, who wakes you? 13 A The strips on the road. They make a very 14 loud sound. 15 Q How heavy was your vehicle at the time of 16 this accident? 17 A I couldn't tell you. I don't recall. 18 Q Do you recall what you were hauling? 19 A No. 20 Q You don't recall the weight of the cargo? 21 A No. Every day it's different, so I would 22 not know, sir. 23 Q You told the officer that you were not 24 aware of any medical condition that have -- could 25 have caused or should have caused your</p>
<p style="text-align: right;">Page 66</p> <p>1 Q Well, you lost consciousness after the 2 impact with the homes, didn't you? 3 A How would I remember when that would have 4 happened? 5 Q You don't know when you lost consciousness, 6 do you? 7 A No. 8 Q You could have lost consciousness after you 9 made impact with the houses, couldn't you? 10 A Again, I -- I -- I have no idea when that 11 was. All I know is I have no recollection of any of 12 that. 13 Q You could have gone to sleep at the wheel. 14 True statement? 15 A Say that again, please. 16 Q It is possible you -- 17 MR. FRANZ: Objection; calls for 18 speculation. 19 MR. PIGNATO: There's another objection. 20 MR. FRANZ: I'll let him answer. 21 MR. PIGNATO: No, no, no, no. That's not a 22 form objection. 23 MR. FRANZ: Calls for speculation. I'm 24 instructing the witness to answer. 25 MR. PIGNATO: You're instructing him to</p>	<p style="text-align: right;">Page 68</p> <p>1 unconsciousness. 2 Do you recall saying that? 3 A That's correct. I don't recall anything 4 at -- at the scene. All I remember is at the 5 hospital. When he came up to me, that's what I 6 remember towards me leaving, but other than that, I 7 don't remember any conversation I had with him. 8 Q You're not aware of any medical condition 9 that you had that would have caused you to become 10 unconscious while driving, are you? 11 A No. 12 Q Prior to this accident, you had not 13 previously ever suffered any unconsciousness, have 14 you? 15 A No. 16 Q You weren't previously involved in any 17 vehicular accidents, including trucks and autos, 18 where you lost consciousness, were you? 19 A No. No. 20 Q And you didn't have any medical conditions 21 prior to this accident that caused you to lose 22 consciousness, correct? 23 A No. 24 Q Now let's talk about since this accident. 25 Have you seen any doctors or healthcare</p>

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1 professionals to try to find out why you may have
2 lost consciousness on the day of this accident?

3 A Well, there at the hospital they told me
4 that it wasn't uncommon. They told me that they've
5 dealt with it before. And I guess the scans didn't
6 show anything serious, so, yeah, like that.

7 Q Well, when they say --

8 A They took --

9 Q When they said to you they've "dealt with
10 it before," how did you interpret that to mean?

11 A As they've dealt with it before. They told
12 me that a loss of consciousness wasn't entirely
13 uncommon.

14 Q You were injured in that accident, weren't
15 you?

16 A Yes.

17 Q You suffered an injury to your head, didn't
18 you?

19 A Yes.

20 Q And you lost consciousness as a result of
21 this accident, didn't you?

22 A I -- what they told me is that I was
23 unconscious before it happened, so --

24 Q Now, who told you that?

25 A The doctors and somebody -- maybe the

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1 everything.

2 Q But you would expect a trauma team at a
3 trauma center to have the opportunity to see and
4 treat patients who have been involved in auto
5 accidents and rendered unconscious as a result of the
6 accident, wouldn't you?

7 A I don't -- can you repeat the question
8 again?

9 Q Yeah. Don't trauma centers typically or
10 often treat patients who have been involved in auto
11 accidents?

12 A I suppose they do.

13 Q And would you -- do you think it's logical
14 that a large number of those auto accident victims
15 that go to trauma centers lose consciousness for a
16 period of time after the accident?

17 A I'm not a medical professional. I don't
18 know who loses consciousness for what reason.

19 Q Have you read any of your medical records
20 from this accident?

21 A No.

22 Q Aside from your attorney, has anyone told
23 you what those records say?

24 A No.

25 Q Do you know if any of those records

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1 paramedics. They told me that they saw me
2 unconscious before it happened.

3 Q Now, how is it possible that the
4 paramedics --

5 A I --

6 Q -- saw you unconscious --

7 A I -- I'm not -- no, no, no. Sorry. There
8 was the paramedics. There was -- I don't remember,
9 but maybe the police. When we were talking -- maybe
10 it was with the police -- that they told me that
11 before the incident happened, that I was stooped over
12 the wheel. Somebody did. I don't recall whoever.
13 It's still hazy.

14 Q I just want to make sure that I'm clear and
15 that this record is clear. Is it your testimony,
16 sir, that you believe somebody told you that you were
17 stooped over the wheel before you left the roadway?

18 A Yes. Somebody at some point told me that.

19 I -- I don't remember who.

20 Q Do you know how anybody could have seen you
21 before you left the roadway?

22 A I think they said that somebody saw. I
23 don't know who. I don't remember exactly. Somebody
24 that was there. I don't know. I don't remember. It
25 was obviously a traumatic event, so I don't recall

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1 indicate that you lost consciousness before you left
2 the roadway?

3 A I have no idea.

4 Q Do you agree with me, sir, that the CAT
5 scans taken of your head and the rest of your body
6 were normal?

7 A I have no idea what they showed. You'd
8 have to talk to the people that took those scans.

9 Q Well, they're in the records, but you
10 haven't seen those records, have you?

11 A I -- I am not qualified to read CAT scan.

12 Q Do you recall --

13 A But the test was -- I recall vaguely
14 talking to the doctor and -- yeah, vaguely, that it
15 wasn't, I don't know, a brain tumor or something.
16 So, yeah, vaguely.

17 Q And four hours after you were taken to the
18 hospital, you left the hospital, didn't you?

19 A I don't remember how many hours it took.

20 Q You felt well enough to leave, though, when
21 they said you could leave, didn't you?

22 A I vaguely remember that day whatsoever. I
23 don't think that I was -- in my opinion, I don't
24 think I was ready to leave, but they told me and --
25 what to do. I left.

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<p style="text-align: right;">Page 73</p> <p>1 Q So you believe it was the hospital doctors</p> <p>2 and staff who told you you had to leave?</p> <p>3 A It was -- they did everything that they did</p> <p>4 and they gave me some new clothes and that was it.</p> <p>5 Q Have you had -- experienced --</p> <p>6 A I --</p> <p>7 Q Go ahead. I'm sorry.</p> <p>8 A No, that's it.</p> <p>9 Q Have you experienced a similar medical</p> <p>10 event or episode since the day of this accident?</p> <p>11 A No.</p> <p>12 Q Is it accurate, then, to say the one and</p> <p>13 only time in your life that you may have lost</p> <p>14 consciousness was on August 8, 2020, when you left</p> <p>15 the roadway?</p> <p>16 A Yeah.</p> <p>17 Q And you recognize, don't you, that it's</p> <p>18 possible that you drifted off to sleep prior to</p> <p>19 leaving the roadway, don't you?</p> <p>20 A I don't think that was the case, no.</p> <p>21 Q Have you seen any medical physician or</p> <p>22 professional since August 8, 2020, who has indicated</p> <p>23 to you that you suffered a medical event or episode</p> <p>24 causing you to leave the roadway?</p> <p>25 A Say that again, please.</p>	<p style="text-align: right;">Page 75</p> <p>1 other doctors or healthcare providers about the</p> <p>2 possibility that you may have suffered or gone</p> <p>3 unconscious for a period of time on August 8, 2020.</p> <p>4 Is that a true statement?</p> <p>5 A Say that again, please.</p> <p>6 Q The reason you haven't -- hold on.</p> <p>7 MR. PIGNATO: Tell you what, I'm ready to</p> <p>8 pass the witness.</p> <p>9 Rodney, go ahead.</p> <p>10 MR. FRANZ: Hold on. Mr. Milanovic, do you</p> <p>11 need a break at all?</p> <p>12 THE WITNESS: Can I have a five-minute one?</p> <p>13 MR. PIGNATO: Sure.</p> <p>14 MR. FRANZ: Yeah, sure. Of course.</p> <p>15 MR. STEWART: Certainly.</p> <p>16 THE WITNESS: Okay. Thank you.</p> <p>17 (Recess taken from 3:14 p.m. to 3:19 p.m.)</p> <p>18 DIRECT EXAMINATION</p> <p>19 BY MR. STEWART:</p> <p>20 Q Mr. Milanovic, my name is Rodney Stewart.</p> <p>21 I represent a fellow by the name of Randy Lundy.</p> <p>22 Mr. Pignato showed you some pictures earlier of some</p> <p>23 damaged homes, and I'll tell you that Mr. Lundy owned</p> <p>24 one of those homes there.</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q Has any doctor told you, after August 8,</p> <p>2 2020, that you suffered some medical episode that</p> <p>3 caused you to lose consciousness?</p> <p>4 A I think -- I think that I -- the last one</p> <p>5 told me that it -- it could have been due to fatigue</p> <p>6 and to dehydration or something; that it -- that</p> <p>7 there was too many variables for them to pinpoint why</p> <p>8 it happened.</p> <p>9 Q Who told you that?</p> <p>10 A But they told -- some doctor. I can't</p> <p>11 recall.</p> <p>12 Q Is it a doctor that you saw after August 8,</p> <p>13 2020?</p> <p>14 A I don't recall. I think the one at the</p> <p>15 hospital told me it was sudden loss of consciousness.</p> <p>16 Q Have you seen any doctors since August 2020</p> <p>17 for the purpose of trying to find out why you lost</p> <p>18 consciousness on August 8, 2020?</p> <p>19 A I don't think so.</p> <p>20 Q In other words, in my effort to get all</p> <p>21 your medical records I have obtained medical records</p> <p>22 for August 8, 2020, the date of this accident.</p> <p>23 You're not aware of any other medical records?</p> <p>24 A No, I don't think so.</p> <p>25 Q And that's because you haven't seen any</p>	<p style="text-align: right;">Page 76</p> <p>1 Q So I'm going second here, so that's good</p> <p>2 and bad. There's a lot of questions that I might</p> <p>3 have that Mr. Pignato has already asked. At the same</p> <p>4 time, I might repeat some of his questions and I</p> <p>5 apologize for that. Okay?</p> <p>6 A That's fine. Just go ahead.</p> <p>7 Q All right. Let me start with your height</p> <p>8 and weight.</p> <p>9 A 5'10", 5'9". Let's say 160, 170 pounds.</p> <p>10 Q Earlier you were talking about the things</p> <p>11 you do to kind of stay in shape and stay active. You</p> <p>12 mentioned swimming and -- and tennis when -- when</p> <p>13 weather permits on the tennis and soccer.</p> <p>14 What else do you do? Do you -- do you go</p> <p>15 to a gym? Do you work out?</p> <p>16 A No. I don't go to a gym, but I try to stay</p> <p>17 active. A bit of hiking, you know. I would say I'm</p> <p>18 fit.</p> <p>19 Q And you look fit. In staying fit and any</p> <p>20 exercise that you've done over the years, have you</p> <p>21 ever experienced any difficulty with exercise, such</p> <p>22 as being lightheaded or dizzy?</p> <p>23 A No. No.</p> <p>24 Q Have -- have you ever, while exercising,</p> <p>25 seen spots or stars while you were exercising?</p>

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<p style="text-align: right;">Page 117</p> <p>1 take a break?</p> <p>2 A Yes.</p> <p>3 Q And can you tell us, with any degree of</p> <p>4 certainty, who at the hospital said these various</p> <p>5 things to you, "fatigue, dehydration, loss of</p> <p>6 consciousness," any of that?</p> <p>7 A I really don't know. There's many nurses</p> <p>8 and doctors. I -- I don't know. I really cannot</p> <p>9 recall.</p> <p>10 Q And I understand and we lawyers have to</p> <p>11 work through some -- some different legal issues and</p> <p>12 so I want to give you a fair chance to -- you know, I</p> <p>13 don't want to cut you off. In fact I want to do the</p> <p>14 opposite. I want to get as much out of you as I can</p> <p>15 regarding who said what.</p> <p>16 And so to the extent someone at the</p> <p>17 hospital said anything to you like, "You had this</p> <p>18 unexplained medical condition that caused you to run</p> <p>19 off the road," then we need to drill down and</p> <p>20 identify who that person was as best we can.</p> <p>21 I know you may not know their name. I</p> <p>22 respect that, but -- but, number one, did anybody say</p> <p>23 anything like that, that you had a medical condition</p> <p>24 that caused you to run off the roadway?</p> <p>25 A They -- they said that it was some type of</p>	<p style="text-align: right;">Page 119</p> <p>1 A I'm not sure.</p> <p>2 Q You don't recall that as part of your</p> <p>3 training or something that you observed as you drove</p> <p>4 down the road?</p> <p>5 A No. A lot of them are, some aren't. So</p> <p>6 maybe they were there, maybe they're not.</p> <p>7 Q You wouldn't know -- you wouldn't know what</p> <p>8 to look for?</p> <p>9 A I don't recall.</p> <p>10 Q Have you ever driven a truck that has a</p> <p>11 driver-facing camera?</p> <p>12 A I don't recall.</p> <p>13 Q You know what I'm talking about? Some</p> <p>14 companies will have a camera that -- that is a dash</p> <p>15 camera that points out at the road ahead and some</p> <p>16 companies will --</p> <p>17 A Yeah, yeah, I'm aware of that. But if you</p> <p>18 look at the screen, I don't know what's a camera,</p> <p>19 what isn't. Honestly, I don't care. So if it's</p> <p>20 there, it's there, if it's not, it's not. So I don't</p> <p>21 know if it had one or not.</p> <p>22 Q Have you -- have you driven for this</p> <p>23 company since your accident?</p> <p>24 A No.</p> <p>25 Q Did they terminate you as a result of the</p>
<p style="text-align: right;">Page 118</p> <p>1 loss of consciousness. I don't know who. I don't</p> <p>2 know, again, their names. I -- I --</p> <p>3 Q You don't remember their title or what they</p> <p>4 were wearing or -- or --</p> <p>5 A No.</p> <p>6 Q -- or anything like that?</p> <p>7 A I didn't even know why I was there. I was</p> <p>8 so confused. So, yeah, I just asked what I'm doing</p> <p>9 there anyway. So, yeah, I was just looking for</p> <p>10 answers. I didn't have time for that. I was just so</p> <p>11 confused and scared, to be honest. So, yeah.</p> <p>12 Q Well, speaking of looking for answers, all</p> <p>13 right -- and I would assume you would want an answer</p> <p>14 as to why you ran off the road two and a half years</p> <p>15 ago and ran into these houses and these cars.</p> <p>16 To this day, in two and a half years, have</p> <p>17 you ever been given a diagnosis of a medical event</p> <p>18 that caused you to run off the road?</p> <p>19 A I don't recall, no.</p> <p>20 Q And are you aware of any diagnostic tests</p> <p>21 or lab results, chemistry results, et cetera, that</p> <p>22 would explain why you may have lost consciousness?</p> <p>23 A Not that I know of.</p> <p>24 Q Is that truck, provided to you by HL Motor</p> <p>25 Group, did it -- was it equipped with cameras?</p>	<p style="text-align: right;">Page 120</p> <p>1 accident?</p> <p>2 A I believe so.</p> <p>3 Q Did they tell you why they were terminating</p> <p>4 you?</p> <p>5 A No.</p> <p>6 Q Did you ask?</p> <p>7 A No. I -- well, kind of. They just wanted</p> <p>8 to know what happened, and I'm telling you what I</p> <p>9 told them is the same thing. So, yeah, that was the</p> <p>10 end of that.</p> <p>11 Q Did they tell you that they believed you'd</p> <p>12 done anything wrong or improper?</p> <p>13 A No, I don't think so.</p> <p>14 Q How about the opposite. Did they tell you</p> <p>15 you did everything right and it wasn't your fault?</p> <p>16 A I don't remember what we talked about, to</p> <p>17 be honest.</p> <p>18 Q Okay.</p> <p>19 A Specifically.</p> <p>20 Q So you -- we know that you went to the</p> <p>21 hospital because of your injuries.</p> <p>22 Do you know whether you underwent any drug</p> <p>23 and alcohol screening while you were there?</p> <p>24 A Yes.</p> <p>25 Q Have you ever been told the results?</p>